

TOWN OF ESSEX
Inland Wetlands and Watercourses Commission
29 West Avenue
Essex, CT 06426
essexct.gov

MINUTES

Regular Meeting - June 14, 2011

Call to Order and Seating of Members

The regularly scheduled meeting of the Essex IWWC was conducted on June 14, 2011 in Room A of the Essex Town Hall. Those members in attendance were Chair, Daniel Lapman, Vice Chair Charles Corson, Barbara Zernike, Nancy Arnold, Claire Tiernan, Stephen Knauth and Larry Shipman. Also in attendance were Joseph Budrow, Essex WEO/ZEO and Stella Beaudoin, Recording Secretary.

Old Business

Application #11-1 presented by Amalia Coppolecchia, property located at 15 Falls River Drive, Ivoryton, CT. This is an application for an accessory structure.

This is an application to locate a 30' x 30' detached garage on the north end of the property at a location 30' from the edge of the river. This application also proposes a 10' x 15' addition to the single family dwelling. The addition will be located at the southwestern portion of the building and may be near the floodway area. This application was continued from the May 10, 2011 meeting.

The applicant presented. Ms. Coppolecchia indicated that the soil testing has been completed and the approval from the Health department has been granted.

Motion made by Charles Corson to approve **IW Permit Application #11-1 presented by Amalia Coppolecchia, property located at 15 Falls River Drive, Ivoryton, CT.** This is an application for an accessory structure. Based on the documents presented, the site walk and on the testimony given at this meeting and former meetings, the Commission finds that the proposed activity is a regulated activity not involving significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2, and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activities are well suited to the area.

The Commission makes a Summary Ruling and grants a permit and permission for the applicant to proceed with proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and will occur between March 15th and October 15th of the year of initiation.
2. Should the applicant determine that the permitted activity will not be completed between March 14th and October 15th of the year of initiation, the applicant agrees to appear before the Commission and present a plan for the stabilization of the site during the non-permitted months.

3. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
4. The Commission, through its Enforcement Officer, shall be notified in writing upon the initiation of the authorized activity and again upon completion of these activities

Motion seconded by Nancy Arnold and passed unanimously.

Application #11-3 presented by Thomas Metcalf, P.E., L.S. on behalf of David Little Harfst & Verena Anna-Maria Wiedemann-Harfst, property located at 52 Foxboro Road, Essex, CT. This is an Application to remove/demolish a portion of the dwelling structure and reconstruct the dwelling on a modified building footprint. A portion of the dwelling structure to be removed is within 100 feet of a wetlands watercourse. The new building footprint will result in a net reduction of building area within 100 feet of the wetlands. No activity is proposed in a wetland or watercourse. This application was continued from the May 10, 2011 meeting.

Mr. Metcalf presented approval from the Essex Health Department. Mr. Metcalf indicated that the only work associated with the sanitary waste system is the relocation of the septic tank. The existing septic was installed within the past ten years under the guidance of Carol Speer, former sanitarian for the Town of Essex.

Mr. Metcalf stated that the plan has not changed from what was presented at the May 10, 2011 meeting. The applicant proposed to tear down and reconstruct the existing dwelling. The reconstructed structure/house will be out of the 100 foot regulated area. The applicant is asking for the removal of a portion of the existing dwelling.

Ann Penniman, landscape architect prepared a schematic landscaping plan which Mr. Metcalf presented to the Commissioners. Ms. Penniman proposes to remove some of the lawn area. There will be some terracing and planting beds which will lessen the slope and change over from a grassed to a mulched landscaped bed.

Ann Penniman presented. Ms. Penniman addressed the area to the north and to the east of the house closest to the river side of the 100' regulated area. Because there is a septic system and because there is a steep grassy slope, Ms. Penniman mitigated the slope by placing rustic boulder type walls that created 18-24" high terraced walls. This will slow down the run off to the river. From the upper terrace to the house there will be a step down four steps to a grass lawn. There will be a planting bed and a boulder wall. This pattern will occur in a gradual grade in the area where the lawn goes to the river. There is an existing oak tree that is close to the house which will have to be removed as it is too close to the foundation work. There will be additional plantings on the north side of the house and across the 100 foot setback. There is an existing bed along the water which is from five to eight feet wide and then it is grass to the west of that. That area will not be changed.

Chuck Corson cautioned the applicant to be mindful of what she plants over the septic system. Mr. Corson stated that if they do wish to place more plantings along the river, the Town does have a list of preferred plantings which the applicant should obtain.

Motion made by Chuck Corson to approve **Application #11-3 presented by Thomas Metcalf, P.E., L.S. on behalf of David Little Harfst & Verena Anna-Maria Wiedemann-Harfst for property located at 52 Foxboro Road, Essex, CT.** This is an Application to remove/demolish a portion of the dwelling structure and reconstruct the dwelling on a modified building footprint. A portion of the dwelling structure to be removed is within 100 feet of a wetlands watercourse. The new building footprint will result in a net reduction of building area within 100 feet of

the wetlands. No activity is proposed in a wetland or watercourse. Based on the documents presented, the site walk and on the testimony given at this meeting and at the May 10, 2011 meeting, the Commission finds that the proposed activity is a regulated activity not involving significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2, and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activities are well suited to the area.

The Commission makes a Summary Ruling and grants a permit and permission for the applicant to proceed with proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and will occur between March 15th and October 15th of the year of initiation.
2. Should the applicant determine that the permitted activity will not be completed between March 14th and October 15th of the year of initiation, the applicant agrees to appear before the Commission and present a plan for the stabilization of the site during the non-permitted months.
3. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
4. The Commission, through its Enforcement Officer, shall be notified in writing upon the initiation of the authorized activity and again upon completion of these activities

Motion seconded by Nancy Arnold and passed unanimously.

New Business

Application 11-5, property located at 47 Falls River Drive, Ivoryton, CT. This is an application to dredge a pond.

The IWWC will conduct a site inspection on behalf of this application on Wednesday, June 22, 2011 at 6:45 p.m.

Motion made by Dan Lapman to table **Application 11-5, property located at 47 Falls River Drive, Ivoryton, CT.** This is an application to dredge a pond.

Motion seconded by Larry Shipman and passed unanimously.

Application #11-6 for property at 11 Racket Lane, Essex, CT. This is an application to repair an earthen dam.

Dana Dixon presented. There is a pond to the north of the property which is contained by a dam that is constructed of earth and supported by a concrete wall. There is a spillway in the center of the dam. Ms. Dixon wishes to repair a breach of the earthen area where water is emptying the pond.

Ms. Dixon indicated that the dam has been breached by muskrats and Ms. Dixon has been repairing the dam manually. The muskrats have created a bypass around the spillway and as such the pond has dropped from 18" to 3". Ms. Dixon would like to restore the water level back to the 24".

The DEP inspected the dam and assigned a hazard classification as AA. This review is included in the file.

Ms. Dixon obtained an estimate from Steven's Excavation. The plan is to lower the water level and place rocks which will dissuade the muskrats. There is a cinder block wall, however it does not go across the area of the north pond.

Chuck Corson suggested installing a galvanized metal screening.

Mr. Budrow indicated that he will ask the Town engineer to review this plan.

Nancy Arnold asked that if by restoring the water level, would there be an impact on the surrounding property.

Ms. Dixon indicated that the water level would keep the surrounding earthen walls from collapsing.

Motion made by Larry Shipman to approve a Permit for **Application #11-6 for property at 11 Racket Lane, Essex, CT**. This is an application to repair an earthen dam. Based on the documents presented and on the testimony given at this meeting, the Commission finds that the proposed activity is a regulated activity not involving significant or major effect upon the inland wetlands or watercourse which occur on the property as defined in Section 2.2 (j), and that no reasonable or prudent alternative exists to the proposed plans. The Commission members feel that the proposed activities are well suited to the area.

The Commission makes a Summary Ruling and grants a permit and permission for the applicant to proceed with proposed activity as stated on said application and as shown on plans accompanying the application, subject to the following conditions:

1. The Essex WEO will have field supervision over the activities and will have the right delegated by the IWWC to approve or disapprove the activities associated with this repair.
2. In accordance with the Commission's Regulations, the activity pursuant to said permit shall be initiated within 5 years of the date of publication and shall be completed within one year of the date of initiation and will occur between March 15th and October 15th of the year of initiation.
3. Should the applicant determine that the permitted activity will not be completed between March 14th and October 15th of the year of initiation, the applicant agrees to appear before the Commission and present a plan for the stabilization of the site during the non-permitted months.
4. The applicant agrees to follow the advice and direction of the Town of Essex Enforcement Officer with regard to any field changes she/he deems necessary or may require for the protection of the inland wetlands and water course during the process.
5. The Commission, through its Enforcement Officer, shall be notified in writing upon the initiation of the authorized activity and again upon completion of these activities

Motion seconded by Barbara Zernike and passed unanimously.

Application #11-7, property located at 52 West Avenue, Essex, CT on behalf of Essex Park and Recreation. This is an application for dredging Sunset Pond. There was no one available to present on behalf of this application.

Other Business

Application 11-8 Town of Essex, Novelty Lane, Essex, CT.

Jeff Going, Chairman of the Harbor Management Commission presented. Mr. Going indicated that the Harbor Commission has been delegated as managers of the public access routes within the Town of

Essex. A State Grant has recently been awarded for work on the Main Street launch ramp and there are remaining monies for the improvement of the public access on Novelty Lane. Ann Penniman was hired to create a plan for the public access-way.

Mr. Going indicated that Novelty Lane is approximately 20 feet wide and continues 20 feet wide until it reaches the carport of the Lomme property; It then tapers in and goes to a bulk head at the cove. The property was surveyed in 1990 and it has been noted that this access is not easily recognizable as being a pathway to the water. Over time the accessibility to the access-way to the water has occurred by way of plantings and a stone wall with a drain that leads into a low level to the lawn. In the lower area towards the bulkhead the drainage pipe has created a very wet spot which can prove to be hazardous to foot traffic.

Mr. Going hopes to utilize the remainder of the grant money to create a pathway, re-landscape and create pedestrian access to the water. Mr. Going proposed the construction of a deck on the landward side of the bulkhead and a walkway that would be a decked walkway and allowing the lower level of the land to be natural with natural plantings. There are invasive species in that area now. The original plan called for removing two maples. The tree warden noted that a crane would need to be utilized in order to remove the maples. As such the plan to remove the maples has been discontinued. The plan is to remove most of the structure that has been created by way of stone wall and use the walkway and a decked area for sitting and observation.

Mr. Going noted that there is \$30,000 left remaining of the grant money. There is a deadline within the next three months which is when the grant money will expire

Mr. Lapman suggested a site walk inspection.

The IWWC will conduct a site inspection on Wednesday June 22, 2011 at 6:00 p.m. on behalf of
Application 11-8 Town of Essex, Novelty Lane, Essex, CT.

Motion made by Nancy Arnold to table **Application 11-8 Town of Essex, Novelty Lane, Essex, CT.** until the July 2011 regularly scheduled meeting.

Motion seconded by Claire Tiernan and passed unanimously.

Approval of Minutes: Regular Meeting, May 10, 2011 and Site Walk, April 19, 2011.

The May 10, 2011 Minutes were reviewed and the following corrections are noted in italics:

- Page 2, 3rd paragraph, “two *poles*”.
- Page 4, 5th paragraph, “*the fence the pool and repair the sidewalk was not approved by the IWWC*”
- Page 6, 10th paragraph, “jute mesh *mat.*”

Motion made by Chuck Corson to approve the Minutes from the May 10, 2011 meeting as amended.

Motion seconded by Claire Tiernan and passed unanimously.

Approval of the Site Walk Minutes of April 19, 2011.

The Site Walk Minutes of April 19, 2011 were reviewed and approved.

Motion made by Nancy Arnold to approve the Minutes from the April 19, 2011 meeting.

Motion seconded by Claire Tiernan and passed unanimously.

Correspondence and Invoices

No correspondence.

Invoice from Hudson and Kilby for \$30 approved by Dan Lapman.

Reports

Mr. Budrow commented on three applications related to the IWWC for which he granted WEO Agent approval. Those applications were for the Essex Conservation Commission for activities within Viney Hill Brook Park; An application by Richard and Elizabeth Spearrin, property located at 16 Donald Road, Essex, CT to locate a shed 25 feet from a stream; An application by Robert Kolp, property at 24 Cove Rest Pentway, Essex, CT for construction of a wall and installation of a fence.

Motion made by Nancy Arnold to allow Joe Budrow field approval for WEO **Application #11-A1** on behalf of the Conservation Commission to conduct work in Viney Hill Brook Park.

Motion seconded by Larry Shipman and passed unanimously.

Motion made by Dan Lapman to allow Joe Budrow field approval for WEO **Application #11-A2** on behalf of Richard and Elizabeth Spearrin, property located at 16 Donald Road, Essex, CT to locate a shed 25' from a stream.

Motion seconded by Claire Tiernan and passed unanimously.

Motion by Dan Lapman to allow Joe Budrow field approval for WEO **Application 11-A3** on behalf of Robert Kolp, property located at 24 Cove Rest Pentway, Essex, CT to build a stone wall and install a fence on the property.

Motion seconded by Chuck Corson and passed unanimously.

- a. Chairperson Daniel Lapman. No report.
- b. Planning Commission Representative Claire Tiernan: Ms. Tiernan reported that the Planning Commission continues to discuss safe routes to school, fee schedules and continued work with the historic preservation subcommittee.
- c. Conservation Commission Representative Goody LeLash: No report.
- d. Zoning Commission Representative Larry Shipman: Mr. Shipman reported that the Zoning Commission continues to work on the new limited industrial zone change and commercial zone on Plains Road.

Motion made by Dan Lapman to adjourn.

Motion seconded by Nancy Arnold and passed unanimously.

The regularly scheduled meeting of the Essex IWWC adjourned at 8:35 p.m. .

Respectfully submitted,
Stella C. Beaudoin, Recording Secretary